

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DARREN GEORGE DYE,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social  
Security,

Defendant.

No. CV-11-0163-CI

ORDER GRANTING STIPULATED  
MOTION TO REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)

BEFORE THE COURT is the parties' Stipulated Motion to Remand the above-captioned matter to the Commissioner for additional administrative proceedings. (ECF No. 18.) Attorney Gary R. Penar represents Plaintiff Darren George Dye; Special Assistant United States Attorney Mathew W. Pile represents Defendant. The parties have consented to proceed before a magistrate judge. (ECF No. 7.) After considering the stipulation of the parties,

**IT IS ORDERED:**

1. The parties' stipulated Motion to Remand (**ECF No. 18**) is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the administrative law judge (ALJ) shall hold a de novo hearing. The ALJ shall also: (1) update the treatment evidence; (2) if warranted, obtain testimony from a medical expert to clarify the

1 nature and severity of Plaintiff's impairments; (3) re-evaluate the  
2 medical source opinions in the record, including the opinions of Dr.  
3 Shannon Radke and Dr. Clayton Kersing; (4) further consider  
4 Plaintiff's residual functional capacity in light of the updated  
5 record; (5) further consider whether Plaintiff has past relevant  
6 work he could perform; (6) as appropriate, secure supplemental  
7 evidence from a vocational expert to clarify the effect of the  
8 assessed limitations on Plaintiff's occupational base; and (7)  
9 evaluate the effect, if any, of Plaintiff's subsequent allowance of  
10 benefits on the current application, without disturbing the  
11 subsequent allowance.

12 2. Judgment shall be entered for the **PLAINTIFF**.

13 3. Plaintiff's Motion for Summary Judgment (**ECF No. 12**) is  
14 stricken as moot.

15 4. An application for attorney fees may be filed by separate  
16 motion.

17 The District Court Executive is directed to enter this Order,  
18 forward copies to counsel, and thereafter shall close this file.

19 DATED February 7, 2012.

20  
21 S/ CYNTHIA IMBROGNO  
22 UNITED STATES MAGISTRATE JUDGE  
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